

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-20402-02-BC  
Honorable Thomas L. Ludington

PHILLIP JOSEPH LAFATA,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT’S GUILTY PLEA, AND TAKING THE RULE 11 PLEA AGREEMENT  
UNDER ADVISEMENT**

A plea hearing was conducted on July 2, 2010, by U.S. Magistrate Judge Charles E. Binder pursuant to the Defendant’s consent. The magistrate judge issued his report [Dkt. # 54] on July 2, 2010, recommending acceptance of Defendant’s guilty plea. Either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation [Dkt # 54] is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea to one count of unlawful use of a communications facility, 21 U.S.C. § 843(b), is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 51] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: July 20, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 20, 2010.

s/Tracy A. Jacobs  
TRACY A. JACOBS